

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:22-CV-104-D

WANDA MARIE ALLEN,

Plaintiff,

v.

WELLS FARGO HOME MORTGAGE
BANK, N.A.,

Defendant.

ORDER

Plaintiff, appearing pro se, filed motions to proceed in forma pauperis [D.E. 1, 6, 12]. Pursuant to 28 U.S.C. § 636(b)(1), the court referred the matter to Magistrate Judge Kimberly A. Swank for a memorandum and recommendation on the plaintiff's motions to proceed in forma pauperis and for a frivolity review [D.E. 11]. On June 20, 2022, Magistrate Judge Swank issued a Memorandum and Recommendation ("M&R") and recommended that plaintiff's application to proceed in forma pauperis be denied and that plaintiff be given until July 25, 2022, to pay the requisite fee. See [D.E. 21]. On July 11, 2022, plaintiff responded to the M&R and states, "I have agreed to pay the application fee for this case by July 25, 2022." [D.E. 21].


"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); see 28 U.S.C. § 636(b). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond, 416 F.3d at 315 (quotation

omitted). If a party makes only general objections, de novo review is not required. See Wells v. Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). In “order to preserve for appeal an issue in a magistrate judge’s report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.” Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

The court has reviewed the M&R, the record, and plaintiff’s response. The court is satisfied that there is no clear error on the face of the record.

In sum, the court ADOPTS the M&R [D.E. 21]. Plaintiff SHALL pay the \$402.00 filing fee not later than July 25, 2022. If plaintiff fails to pay the filing fee by July 25, 2022, the clerk shall close the case without further order from the court.

SO ORDERED. This 13 day of July, 2022.



JAMES C. DEVER III
United States District Judge